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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,761

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James V. Wierowski

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EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/608,761	Applicant(s) WIEROWSKI, JAMES V.	
	Examiner Le Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) 12-69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to a response to election filed 12/15/06.
2. Claims 1-69 are pending in this application. Claims 1-11 have been elected; and, claims 12-69 have been withdrawn from consideration. Claim 1 is an independent claim.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Schileru-Key.

As per claim 1, Schileru-Key teaches a computer system for editing an interactive image video tour computer system for editing an interactive image video tour comprising a computer including the image editor providing a visual program interface for editing an interactive image video tour associated with a predetermined facility (col. 6, line 7 through col. 7, line 41) a database in communication with the computer containing data

associated with a plurality of images associated with the predetermined facility comprising a portion of the interactive image video tour (figs. 1-3 and 11-22; col. 4, lines 43-63; col. 5, lines 58-65; *information for digital images are cataloged and stored in a database*) and a viewer in communication with the computer for displaying the plurality of images of the predetermined facility for enabling a user to view a virtual interactive tour of the predetermined facility (figs. 1-3 and 11-22; col. 4, lines 43-63; col. 7, line 42 through col. 13, line 4; *images may reside on a remote server*).

As per claim 2, Schileru-Key teaches a computer system for editing an interactive image video tour wherein the image editor provides a visual program interface for creating an interactive image video tour with the plurality of images contained in the database (figs. 1-3 and 11-22; col. 4, lines 43-63; col. 5, lines 58-65; col. 6, line 7 through col. 7, line 41).

As per claim 3, Schileru-Key teaches a computer system for editing an interactive image video tour wherein the image editor comprises a directory pane (fig. 11, *overview map view window 1120/directory pane*).

As per claim 8, Schileru-Key teaches a computer system for editing an interactive image video tour wherein the image editor further comprises a tour panel (fig. 16; col. 9, line 58 through col. 10, line 3).

As per claim 10, Schileru-Key teaches a computer system for editing an interactive image video tour comprises a map panel for identifying a location of the plurality of images within the interactive image video tour (fig. 11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schileru-Key in view of Mernyk et al. ("Mernyk").

As per claim 4, although Schileru-Key teaches a computer system for editing an interactive image video tour wherein the directory panel comprises displaying a plurality of images accessible by the image editor (), Schileru-Key does not explicitly disclose the directory panel comprising a list of the plurality of images, the directory providing a hierarchical representation of folders for organizing the plurality of images into separate groups. Mernyk teaches a directory panel comprising a list of the plurality of images, the directory providing a hierarchical representation of folders for organizing the plurality of images into separate groups (fig. 2; col. 4, lines 10-25). It would have been obvious to an artisan at the time of the invention to incorporate the method of Mernyk with the method of Schileru-Key in order to provide users with a standard arrangement of a hierarchy of containers into which files can be organized. Schileru-Key and Mernyk still do not explicitly disclose using a module. Official Notice is taken that using a module is well known in the art. It would have been obvious to an artisan at the time of the invention to incorporate using a module with the method of Schileru-Key and Mernyk in order to provide users with an implementation preference.

As per claim 11, although Schileru-Key teaches a computer system for editing an interactive image video tour wherein the tour panel further comprises a tour map for displaying an overview of the interactive image video tour (fig. 11), Schileru-Key does not explicitly disclose a tree for displaying a hierarchical outline view. Mernyk teaches a tree for displaying a hierarchical outline view (fig. 2; col. 4, lines 10-25). It would have been obvious to an artisan at the time of the invention to incorporate the method of Mernyk with the method of Schileru-Key in order to provide users with a standard arrangement of a hierarchy of containers into which files can be organized.

Allowable Subject Matter

8. Claims 5, 6, 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

the method wherein the directory panel further comprises a module for displaying a history list of directories containing the plurality of images selected while creating the interactive image video tour as recited in claim 5 and the tour panel further comprises a tour thumbnail image viewer for displaying the plurality of images that have been selected for the interactive image video tour as recited in claim 9.

Although Schileru-Key and Mernyk et al. teach a substantial amount of the claimed matters, Schileru-Key and Mernyk et al. fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abramson et al. (US 2002/0163547) teach an interactive electronically presented map.

Noble et al. (US 6,995,778 B2) teach a symbol expansion capability for map based display.

Wise et al. (US 6,985,902 B2) teach a method, system and apparatus for creating and accessing a hierarchical database in a format optimally suited to real estate listings.

Darcie et al. (US 6,577,714 B1) teach a map-based directory system.

Peschke (US 6,397,143 B1) teach a layout based method for map navigation.

Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
March 10, 2007

Kristine Kincaid
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